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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF WASHINGTON

14 UNITED STATES OF AMERICA,

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16 Plaintiff,

17 v.

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19 RONALD CRAIG ILG,

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21 Defendant.

Case No. 2:21-cr-00049-WFN

**22 RESPONSE TO UNITED
23 STATES' MOTION FOR USE
24 OF TRANSCRIPT**

25 COMES NOW, the Defendant Ronald C. Ilg, MD ("Dr. Ilg"), by and
26 through his attorneys of record, and hereby submits the following Response to
27 the United States' Motion for Use of Transcript (ECF No. 122).

28 This Motion indicates "[i]n the event the United States elects to introduce
29 Defendant's statement, the United States will also seek to use the transcript to
30 aid the jury in listening to the recording." (ECF No. 122 at 2.) Dr. Ilg does not
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1 oppose the relief requested regarding the transcript, subject to the limitations
2 indicated herein.
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4 First, Dr. Ilg expressly maintains his position that he was subject to
5 custodial interrogation by the Federal Bureau of Investigations (“FBI”) at the
6 Spokane International Airport. As such, the transcript at issue is the unlawful
7 product of a violation of Dr. Ilg’s *Miranda* rights. By submitting this Response,
8 Dr. Ilg in no way waives his right to subsequently challenge and/or appeal the
9 Court’s Order (ECF No. 118) regarding Defendant’s Motion to Suppress
10 Evidence Obtained in Violation of *Miranda* (ECF No. 95).
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16 Second, the Government identifies the following procedural safeguards
17 associated with the use of a transcript:
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20 whether the court reviewed the transcript for accuracy; whether
21 defense counsel was allowed to highlight alleged inaccuracies and
22 to introduce alternative versions; whether the jury was instructed
23 that the audio recording, rather than the transcript, was evidence;
24 and whether the jury was allowed to compare the transcript to the
25 tape and hear counsel’s arguments as to the meaning of the
26 conversation.

27 (ECF No. 122 at 3.) The Government further indicates “[i]f there is a dispute as
28 to accuracy, the United States asks that the defense bring it to the government’s
29 attention prior to the marking of exhibits, so a resolution may be able to be
30 reached.” (*Id.* at 3.)
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1 Subject to these procedural safeguards, the defense acknowledges that the
2 transcript may be used at the time of trial “to aide the jury in listening to the
3 audio recording.” (ECF No. 112 at 1.) In the event the Government
4 subsequently seeks to introduce the audio recording, Dr. Ilg reserves the right to
5 challenge the admissibility of such evidence under all potential routes, including
6 Dr. Ilg’s constitutional rights and the Federal Rules of Evidence.
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11 RESPECTFULLY SUBMITTED this 8th day of July, 2022.
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13 By: /s/ Andrew M. Wagley

14 Carl J. Oreskovich, WSBA #12779

15 Andrew M. Wagley, WSBA #50007

16 *Attorneys for Ronald C. Ilg, MD*
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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all attorneys of record in this matter.

EXECUTED in Spokane, Washington this 8th day of July, 2022.

By: /s/ Jodi Dineen
Jodi Dineen, Paralegal